

STATE OF NORTH CAROLINA

WAKE COUNTY



BEFORE THE COUNCIL  
OF THE  
NORTH CAROLINA STATE BAR  
23 BCS 2

IN THE MATTER OF THE TENDER  
OF SURRENDER OF LICENSE OF

STUART L. EGERTON

ORDER OF DISBARMENT

THIS MATTER coming on to be heard and being heard by the Council of the North Carolina State Bar pursuant to 27 N.C. Admin. Code, Chapter 1, Subchapter B, § .0121(a) of the State Bar Discipline & Disability Rules, upon tender of an affidavit of surrender of license executed by Stuart L. Egerton (hereinafter "Egerton") on January 9, 2023 and filed in the offices of the North Carolina State Bar on January 10, 2023.

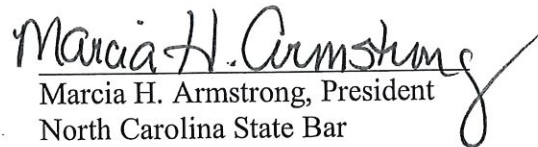
Based upon the affidavit, the Council finds that Egerton, while serving as executor for his mother's estate, the Estate of Nancy U. Egerton, misappropriated approximately \$91,663.01 of fiduciary funds from the Estate and improperly collected an additional \$21,010.26 as attorney's fees from the Estate without Clerk approval that he did not return to the Estate despite the Clerk's order to do so. Egerton's conduct is in violation of the North Carolina Rules of Professional Conduct, including Rule 8.4(c). Egerton's conduct is grounds for discipline pursuant to N.C. Gen. Stat. § 84-28(b)(2).

WHEREFORE, upon motion made and duly seconded, the Council enters the following Order:

1. The tender of surrender of license of Stuart L. Egerton is hereby accepted.
2. Egerton is hereby DISBARRED from the practice of law in North Carolina.
3. Egerton shall comply with the provisions of 27 N.C. Admin. Code, Chapter 1, Subchapter B, § .0128 of the State Bar Discipline & Disability Rules. Egerton shall surrender his license and permanent membership card to the Secretary of the North Carolina State Bar along with the affidavit required by § .0128 of the State Bar Discipline & Disability Rules within ten (10) days after the expiration of the wind-down period provided under § .0121(e).
4. The administrative fees and costs of this action are taxed against Egerton.
5. Within 10 days of the date of this Order, Egerton shall provide the State Bar with an address and telephone number at which clients seeking return of files can communicate with Egerton and obtain such files, and Egerton shall promptly return all files to his clients upon request.

6. If Egerton fails to fully comply with 27 N.C. Admin. Code 1B.0128, Egerton shall reimburse the State Bar for all expenses incurred by the State Bar in winding down Egerton's practice. Such expenses may include, but are not limited to, storage facility fees, rent payments, moving expenses, charges for secure disposal of client files, postage or other mailing expenses, and compensation paid to a court-appointed trustee and/or the trustee's assistant for time and travel associated with the trusteeship. The State Bar shall send an invoice of wind-down expenses to Egerton at Egerton's last known address of record with the North Carolina State Bar. Egerton shall not be eligible for reinstatement until he has reimbursed the State Bar for all wind-down expenses incurred.

Done and ordered this 20<sup>th</sup> day of January, 2023.

  
Marcia H. Armstrong, President  
North Carolina State Bar

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BEFORE THE COUNCIL  
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23 BCS 2

AFFIDAVIT TENDERING THE SURRENDER OF THE LICENSE OF  
STUART L. EGERTON

I, Stuart L. Egerton, being first duly sworn, say:

1. I desire to resign and hereby tender my license to practice law in North Carolina pursuant to the provisions of Section .0121 of the North Carolina State Bar Discipline and Disability Rules, 27 N.C. Admin. Code, Chapter 1, Subchapter B, Section .0121.
2. My resignation is freely and voluntarily rendered. It is not the result of coercion or duress. I am fully aware of the implication of submitting my resignation.
3. I am aware that there is presently pending an investigation including allegations that, while serving as executor of the Estate of my mother Nancy U. Egerton, I misappropriated approximately \$91,663.01 of fiduciary funds from the Estate and improperly collected an additional \$21,010.26 as attorney's fees from the Estate without Clerk approval that I have not returned to the Estate despite the order of the Clerk to do so.
4. I acknowledge that the material facts upon which the grievance is predicated are true.
5. My resignation is being submitted because I know that if charges were predicated upon the misconduct under investigation, I could not successfully defend against them.
6. I understand that the hearing by the Council of the North Carolina State Bar with regard to the acceptance of the tender of surrender of my license to practice law will occur at the regularly scheduled meeting of the Council of the North Carolina State Bar on Friday, January 20, 2023 at the North Carolina State Bar building in Raleigh, North Carolina.
7. I hereby waive any further notice of the hearing before the Council on my affidavit of surrender. I waive any claim, argument, or assertion that I have not received proper or timely notice of the hearing before the Council on my affidavit of surrender or any other defect in notice. I further waive any and all right or privilege to appear before the Council at that hearing.
8. I affirm that I have had a full opportunity to seek the advice and counsel of an attorney in filing my Affidavit of Surrender and in waiving any rights set forth herein.

*Affidavit of Surrender, Stuart L. Egerton*

*Stuart L. Egerton*  
*01/09/23*

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Respectfully submitted, this the 9<sup>th</sup> day of January, 2023.

Stuart L. Egerton  
Stuart L. Egerton

I, Kara R. Tucker, Notary Public of the County of Brunswick, State of North Carolina, certify that Stuart L. Egerton personally appeared before me this day, was sworn, attested that the foregoing Affidavit is true and accurate of his own personal knowledge, and executed the foregoing Affidavit.

This the 9 day of January, 2023.

Kara R. Tucker  
Notary Public  
(print name) Kara R. Tucker

My commission expires: 8/18/24

Kara R. Tucker  
Notary Public  
Brunswick County, NC  
My Commission Expires 8/18/24